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Attorneys for Defendants

Attorneys for Defendants
GENE HENSLEY, DAVID HERRICK,
JOHN HENLEY, PEGGY FRY, and
JOHN McCONNELL

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Clark and Rebecca Wixon, Norman and Barbara Wixon, and Kandice Scattolon, derivatively and on behalf of themselves and all others similarly situated.

Plaintiffs.

V

WRDC Resort Development Corp. (f/k/a Trendwest Resorts, Inc.), Gene Hensley, David Herrick, John Henley, Peggy Fry, John McConnell, and nominally, WorldMark, The Club.

Defendants.

Case No. C 07-2361 JSW

**STIPULATION AND ORDER
CONTINUING SETTLEMENT
DOCUMENTATION FILING DATE**

Class and Derivative Action

1 On June 9, 2010, Plaintiffs Clarke and Rebecca Wixon, Norman and Barbara Wixon, and
2 Kandice Scattolon (“Plaintiffs”), and Defendants Gene Hensley, David Herrick, John Henley, Peggy
3 Fry, and John McConnell (“Director Defendants”) (collectively, the “Parties”), notified the Court
4 they had reached a settlement in principle of all claims asserted by Plaintiffs against Director
5 Defendants in this derivative litigation. Dkt. 491. On that date, the Court entered a stipulated order
6 suspending pre-trial and trial deadlines as to the Parties, pending submission of formal settlement
7 documentation to the Court, notice and hearing on the fairness and adequacy of the settlement, and
8 Court approval of its terms. Dkt. 492.

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10 Prior to and following the entry of the stipulated order suspending pre-trial and trial deadlines
11 (Dkt. 492), the Parties have exchanged draft settlement documents, met and conferred with one
12 another to resolve drafting concerns, discussed notice plans, and are in the process of meeting with
13 their clients and client representatives to resolve drafting issues and obtain necessary approvals and
14 authorizations. Despite the Parties’ diligent and good faith efforts to complete these tasks, the Parties
15 are unable to finalize the settlement documentation process and obtain the necessary client approvals
16 by the June 25, 2010 deadline specified in the Court’s June 9 order.
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18 Accordingly, the Parties agree to and hereby seek, subject to Court approval, a one-week
19 extension of the date to submit final settlement documentation to the Court, from June 25, 2010 to
20 July 2, 2010. The Parties have not previously sought an extension of time for this purpose.
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22 Respectfully submitted,

23 Dated: June 24, 2010.

GIRARD GIBBS LLP

24 By: /s/ Elizabeth C. Pritzker
25 Jonathan K. Levine
Elizabeth C. Pritzker
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27 Attorneys for Individual and Representative
28 Plaintiffs Clarke and Rebecca Wixon,
Norman and Barbara Wixon, and Kandice
Scattolon

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2 Dated: June 24, 2010.

K&L GATES LLP

3 By: /s/ Matthew G. Ball
4 Matthew G. Ball

5 LAW OFFICES OF
6 JUDITH H. RAMSEYER PLLC

7 Judith H. Ramseyer

8 Attorneys for Defendants Gene Hensley,
9 John Henley, David Herrick, Peggy Fry,
and John McConnell

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2 **ORDER**

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Dated: June 25, 2010.

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Jeffrey S. White, United States District Judge

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